

# Comparison of Alcohol-Related Driving Offenses

OFFENSE	UTAH	COLORADO	NEW YORK
<b>1st Offense - Impaired Driving/DWAI</b>	<b>DUI or Impaired Driving*</b>	<b>DWAI</b>	<b>DWAI</b>
BAC	ANY	0.05% - 0.07%	0.05% - 0.07%
Classification	Class B Misdemeanor	Misdemeanor	Traffic Infraction
Jail Time**	2 Days	2 - 180 Days	Up to 15 Days
Fine	\$700	\$200-\$500	\$300 - \$500
Mandatory Fees	\$630 surcharge and \$40 court security fee	n/a	\$250 (annual assessment)
Public Service	n/a	24 hrs - 48 hrs	n/a
Driver License	120 day Revocation	n/a	Suspended for 90 days
<b>2nd Offense - DUI/DWAI</b>	<b>DUI</b>	<b>DWAI</b>	<b>DWAI</b>
BAC	ANY	0.05% - 0.07%	0.05% - 0.07%
Classification	Class B Misdemeanor	Misdemeanor	Traffic Infraction
Jail Time**	10 Days	10 - 365 Days	Up to 30 Days
Fine	\$800	\$600-\$1500	\$500 - \$750
Mandatory Fees	\$720 surcharge and \$40 court security fee	n/a	\$250 (annual assessment)
Public Service	n/a	48 hrs - 120 hrs	
Driver License	2 yr. Revocation	12 mo. Revocation	6 mo. Revocation
<b>3rd Offense - DUI/DWAI</b>	<b>DUI</b>	<b>DWAI</b>	<b>DWAI</b>
BAC	ANY	0.05% - 0.07%	0.05% - 0.07%
Classification	3rd Degree Felony	Misdemeanor	Misdemeanor
Jail Time**	0-5 years or 1,500 hrs	60 days - 1 year	180 Days
Fine	\$1,500	\$600-\$1500 fine	\$750 - \$1,500
Mandatory Fees	\$1350 surcharge and \$40 court security fee		\$260 surcharge/ \$250 (annual assessment)
Public Service	n/a	48 hrs - 120 hrs	
Driver License	2 yr. Revocation	24 mo. Revocation	6 mo. Revocation
<b>1st Offense - Per Se DUI</b>	<b>DUI</b>	<b>DUI</b>	<b>DUI</b>
BAC	0.05% + (as of 12/30/18)	0.08% +	0.08% +
Classification	Class B Misdemeanor	Misdemeanor	Misdemeanor
Jail Time**	2 Days	5 days - Year	365 days
Fine	\$700	\$600 - \$1000	\$500 - \$1,000
Mandatory Fees	\$630 surcharge and \$40 court security fee	n/a	\$250 (annual assessment)
Public Service	n/a	48 hrs - 120 hrs	n/a
Driver License	120 day Revocation	9 mo. Revocation	6 mo. Revocation
<b>2nd Offense - Per Se DUI</b>	<b>DUI</b>	<b>DUI</b>	<b>DUI</b>
BAC	0.05% + (as of 12/30/18)	0.08% +	0.08% +
Classification	Class B Misdemeanor	Misdemeanor	Class E Felony
Jail Time**	10 Days	10 days - 1 year	4 Years
Fine	\$800	\$600 - \$1500	\$1,000-\$5,000
Mandatory Fees	\$720 surcharge and \$40 court security fee	n/a	\$250 (annual assessment)
Public Service	n/a	48 hrs - 120 hrs	30 Days
Driver License	2 yr. Revocation	12 mo. Revocation	1 yr. Revocation
<b>3rd Offense - Per Se DUI</b>	<b>DUI</b>	<b>DUI</b>	<b>DUI</b>
BAC	0.05% + (as of 12/30/18)	0.08% +	0.08% +
Classification	3rd Degree Felony	Misdemeanor	D Felony
Jail Time**	0-5 years or 1,500 hrs	60 days - 1 year	7 Years
Fine	\$1,500	\$600-\$1500	\$2,000-\$10,000
Mandatory Fees	\$1350 surcharge and \$40 court security fee	n/a	\$250 (annual assessment)
Public Service	n/a	48 hrs - 120 hrs	n/a
Driver License	2 yr. Revocation	24 mo. Revocation	1 yr. Revocation
*In Utah, a first-time DUI charge may be pled down to a reduced charge of "impaired driving," while carrying similar penalties as a DUI, with the ability to have the driver license reinstated prior to 120 days.			
**In Utah, jail time could instead be an equal amount of home confinement or in some cases, compensatory work time.			